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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,371	09/26/2001	William J. Beyda	2001P17795US	6410

7590 07/19/2005

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

ENG, GEORGE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,371

Applicant(s)

BEYDA, WILLIAM J.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10 and 13-20 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: the oath or declaration is unsigned.

Claim Objections

2. Claim 16 is objected to because of the following informalities: claim 16, line 3, "aid activation information" should be --said activation information-- to be corrected. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Fingerhut (US PAT. 6,636,489).

Regarding claim 1, Fingerhut discloses a telecommunication system comprising a central control center (14, figure 4) maintaining a central database (17, figure 4) of users and a database of pre-active information, i.e., a database of network (col. 4 lines 41), a plurality of local switches (10, figure 4) adapted to detect a power-on of a cellular telephone (5, figure 4 and col. 3 lines 36-41), activate the cellular telephone at a local switch (col. 4 lines 32-63) and forward activation information to the central database (col. 4 lines 64-68).

Regarding claim 2, Fingerhut discloses the central control center being adapted to receive the pre-activation information from a point of sale, i.e., a manufacturer (col. 4 lines 39-42).

Regarding claim 3, Fingerhut discloses the central control center (14, figure 4) being adapted to propagate the pre-active information to the plurality of local switches (10, figure 4 and col. 5 lines 6-10 and lines 46-51).

Regarding claim 7, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 8, the limitations of the claim are rejected as the same reasons set forth in claim 2.

Regarding claim 9, the limitations of the claim are rejected as the same reasons set forth in claim 3.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 10, 13 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fingerhut (US PAT. 6,636,489) in view of Lipsit (US PAT. 5,956,636).

Regarding claim 4, Fingerhut differs from the claimed invention in not specifically teaching the activation information comprising a valid password entry. However, Lipsit teaches to transmit an indication to other telecommunication switches in a network when a security code, i.e., a password, is valid (col. 7 lines 9-38). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fingerhut in having the activation information comprising a valid password entry, as per teaching of Lipsit, in order to improve the verification process in a secure manner by utilizing the password to ensure the ordering customer as same as the recipient of the non-activated wireless device.

Regarding claim 10, the limitations of the claim are rejected as the same reasons set forth in claim 4.

Regarding claim 13, Fingerhut discloses a telecommunication switch (12, figure 4) in a telecommunication network comprising a database storing pre-activation information (col. 4 line 41), wherein the pre-activation information is propagated to the telecommunications switch from a point of sale, i.e., a manufacturer, of a cellular telephone (5, figure 4), an activation of the cellular telephone phone at the telecommunication switch occurs (col. 4 lines 32-48), the database is updated with activation information (col. 4 lines 49-61) and the activation is forward to other telecommunication switches in the network (col. 4 lines 64-67 and col. 6 lines 3-4). Fingerhut differs from the claimed invention in not specifically teaching a password collection unit adapted to receive a password of a detected cellular telephone so that the activation of the

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cellular telephone at the telecommunications switch occurs responsive to a verification of the password. However, Lipsit teaches such (col. 7 lines 9-38). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fingerhut in the password collection unit adapted to receive a password of a detected cellular telephone so that the activation of the cellular telephone at the telecommunications switch occurs responsive to a verification of the password, as per teaching of Lipsit, in order to improve the verification process in a secure manner.

Regarding claim 14, Fingerhut teaches the pre-activation information being propagated to the telecommunication switch from a central control center (col. 5 lines 6-10 and lines 46-51).

Regarding claim 15, Fingerhut discloses to propagate the activation information to the central control center responsive to the verification (col. 4 lines 49-61).

Regarding claim 16, Fingerhut teaches to transmit the activation to the central control center responsive to the verification and the central control center operable to propagate the activation information to other telecommunication switches in the network (col. 4 lines 49-67).

Regarding claim 17, the limitations of the claim are rejected as the same reasons set forth in claim 13.

Regarding claim 18, Lipsit teaches the associating the password at the point of sale of the cellular telephone (col. 7 lines 3-8 and lines 28-29).

Regarding claim 19, Fingerhut teaches to transmit activation information from the local switch to the central control center (col. 3 lines 47-58 and col. 4 lines 32-37).

Regarding claim 20, Fingerhut teaches to propagate the activation information from the local switch to other switches (col. 4 lines 64-67 and col. 6 lines 3-4).

Allowable Subject Matter

7. Claims 5-6 and 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Daly (US PAT. 6,879,825) discloses a method for programming a mobile station using a permanent mobile station identifier (abstract). Rosenberg (US PAT. 6,628,934) discloses a system for automatically activating wireless services on a wireless device (col. 3 line 31 through col. 5 line 20). O'Neil discloses a method for activating and servicing a cellular telephone (abstract).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (571) 272-7495. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "George Eng". The signature is fluid and cursive, with the first name "George" and last name "Eng" clearly distinguishable.

George Eng
Primary Examiner
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